

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EAZYPOWER CORPORATION,  
an Illinois corporation,

Plaintiff,

v.

JORE CORPORATION,  
a Delaware corporation,

Defendant.

Civil Action No. 04 C 6372

Hon. James B. Zagel  
Magistrate Judge Levin

**DEFENDANT'S MOTION FOR LEAVE TO FILE *INSTANTER* A  
BRIEF IN EXCESS OF PAGE LIMITATION**

Pursuant to Northern District of Illinois Local Rule 7.1, Defendant Jore Corporation hereby moves for leave to file *instante* the attached Memorandum in Support of Motion for Partial Summary Judgment of Non-Infringement ("Memorandum of Law") in excess of fifteen (15) pages. In support of this motion, Defendant states as follows:

1. On October 1, 2004, Plaintiff filed a Complaint for patent infringement of U.S. Patent No. 4,876,929 ("the '929 patent"), which is entitled "Portable Screwdriver Having Flexible Extension Shaft." (Court Dkt. No. 1). Plaintiff subsequently filed an Amended Complaint ("Amended Complaint") for infringement of the '929 patent, violation of the Lanham Act and deceptive trade practices on May 25, 2005. (Court Dkt. No. 13).

2. Defendant answered the Amended Complaint, asserting, *inter alia*, an affirmative defense of non-infringement of the '929 patent and a counterclaim for a declaration of non-infringement of the '929 patent. (Court Dkt. No. 14).

3. Defendant now brings a motion for partial summary judgment of non-infringement of the '929 patent and respectfully requests leave to file a supporting memorandum in excess of fifteen (15) pages because the complexity of the case requires a thorough recitation and explanation of the patent claims at issue and because Defendant has included various illustrations and diagrams that take up a significant amount of space in the body of the Memorandum of Law to aid the Court in its understanding of Defendant's argument.

4. Defendant has taken every effort to keep the length of the Memorandum of Law to a necessary minimum, and the Memorandum of Law does not raise any irrelevant or non-responsive matters.

5. No prejudice to the parties will result from granting this motion.

6. A copy of Defendant's twenty-six (26) page Memorandum of Law is attached hereto as Exhibit 1.

WHEREFORE, Defendant respectfully requests that the Court grant this motion and enter an order allowing it to file, *instanter*, the Memorandum of Law attached hereto as Exhibit 1.

Dated this 29th day of May, 2009.

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

/s/ James W. Anable

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